

HOSHI KAZUO

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1920]

The Committee on the Judiciary, to which was referred the bill (H. R. 1920) for the relief of Hoshi Kazuo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the racial bar to admission into the United States for a minor half-Japanese child in the care of Sgt. and Mrs. John B. Humberd, who are citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Japan in 1947 of a Japanese mother and an American father and was left at an orphanage in Fujisawa, Japan. The nuns who conduct the orphanage have consented to the adoption of the child by Sgt. and Mrs. John B. Humberd.

Congressman H. L. Lanham, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and made the following statement:

Because the child in question is the son of an unidentified American soldier, he has no Asiatic features and consequently the Sisters in whose care he was left, hesitated to educate and rear him as a Japanese. They were most anxious that he should be placed in a desirable American home for rearing. As you will see from Sergeant Humberd's letter, the child has brought great joy to these people who have done a humanitarian thing in taking the child to care for and educate. It is my sincere hope that your committee will see fit to take a favorable report on H. R. 1920. I understand that Sergeant Humberd will be returned to the United States in November so I am anxious to do everything possible to expedite action on this matter so that he can bring the boy to America with him.

In addition, Congressman Lanham submitted the following information in connection with the bill:

GENERAL HEADQUARTERS,
SUPREME COMMANDER FOR THE ALLIED POWERS,
Legal Section, APO 500, March 10, 1951.

Sgt. JOHNNY B. HUMBERD,

Six Hundred and Second O. B. A. V. M. Co., APO 712,

Care of Postmaster, San Francisco, Calif.

DEAR SERGEANT HUMBERD: Reference is made to the letter, dated January 20, 1951, from your Congressman, Hon. Henderson Lanham, of Georgia, and to your request for an opinion as to whether you may institute adoption proceedings in Japan.

Generally, under Japanese adoption laws, permission of the family court is required to adopt a minor child in Japan (Civil Code of Japan, art. 798). However, Japanese civil courts cannot exercise jurisdiction over members of the occupation forces and their dependents. Such denial of jurisdiction is based upon paragraph 2 of the Far Eastern Commission's Policy Decision of September 1950 (enclosure 1),¹ and upon paragraph 8 of the directive of the Supreme Commander for the Allied Powers to the Japanese Government of October 18, 1950, SCAPIN 2127 (enclosure 2).¹ Therefore, neither you nor your wife may submit to the jurisdiction of the Japanese court for the purpose of instituting adoption proceedings.

Enclosed for your further action are affidavits in support of the bill pending in Congress for admission of the child, Hoshi Kazuo, to the United States where adoption proceedings may be instituted in a court of competent jurisdiction. These affidavits should be executed before the American consul and thereafter forwarded to your Congressman.

Sincerely yours,

ALVA C. CARPENTER,
Chief Legal Section.

AFFIDAVIT FOR ADOPTION

CITY OF YOKOHAMA, JAPAN,

American Consular Service, ss:

Mother Theresia Misono and Sister Justitia, being duly sworn, depose and say:

1. That we are members of the Daughters of the Sacred Heart, a religious order of Catholic sisters, in charge of an orphanage located at Fujisawa, Japan.
2. That on April 2, 1947, a male child, known as Hoshi Kazuo, was left at said orphanage by an unidentified Japanese woman, who alleged that the child was born on February 11, 1947, and that his father was an American soldier, whose name was not known.
3. That the parents cannot be located nor identified.
4. That the sisters of said orphanage have requested, agreed, and consented that Sgt. Johnny B. Humbert, of the United States Army, and his wife, Thelma Humbert, adopt Hoshi Kazuo so that he may have a good home and receive a good education.
5. That on behalf of the orphanage and the sisters, we hereby relinquish all control, custody, or claim to the said Hoshi Kazuo in favor of the said Johnny B. Humbert and his wife, Thelma Humbert.
6. That we hereby waive any and all right to notice of any proceedings with respect to the adoption of said child, or to any steps in such proceedings, and do hereby consent that the child be adopted by and be the child of said Johnny B. Humbert and Thelma Humbert, and do further consent to the entry of a decree to that effect by any court of competent jurisdiction.

* Not printed.

In witness whereof, we have hereunto set our hands this 28th day of March 1951, at Yokohama, Japan.

Mother THERESIA MISONO,
Mother General.

Sister JUSTITIA,
Assistant Mother General.

Subscribed to and sworn before me this 28th day of March 1951.

[SEAL]

JAMES B. LINDSEY,

Vice Consul of the United States of America in and for Yokohama, Japan

CITY OF YOKOHAMA, JAPAN,

American Consular Service, ss:

Johnny B. Humberd and Thelma Humberd, husband and wife, being duly sworn, depose and say:

1. That Sergeant Humberd is in the military service of the United States Government on duty with the occupation forces in Japan, and that his wife, Thelma, is residing with him in Japan.

2. That they were married on the 15th day of June 1940, at Rossville, Ga., and have lived as husband and wife ever since, but that the marriage has never been blessed with any children.

3. That they are desirous of adopting a child.

4. That on the 27th day of October 1950, the Sisters (Daughters of the Sacred Heart) requested and agreed that the said Johnny B. and Thelma Humberd assume custody, control, and possession of a male child, known as Hoshi Kazuo with a view toward adoption.

5. That it was alleged the said child was born in Japan on February 11, 1947, and left at an orphans' home, located in Fujisawa, Japan, in charge of Catholic nuns (Daughters of the Sacred Heart), on April 2, 1947, by an unknown oriental woman, who claimed that the father was an American soldier.

6. That on the 27th day of October 1950, the said Johnny B. and Thelma Humberd obtained custody of the said Hoshi Kazuo from the Sisters (Daughters of the Sacred Heart).

7. That to the best of their knowledge, the parents have not been located or identified.

8. That under present regulations of the Japanese Government and of the Supreme Commander for the Allied Powers, it is not possible for persons in their status to submit themselves to the jurisdiction of the Japanese courts for the purpose of instituting adoption proceedings.

9. That it is their earnest and sincere desire to institute such proceedings immediately in a court of competent jurisdiction in the United States, and hereby undertake to do so.

10. That they are possessed of money, property, and income enough suitably to nurture, care for, raise, educate, and provide for the said child, and to the full performance of all said things are ready, willing, and able to carry out their performance, fully agreeing to accept the said child as their own as if born to them in lawful wedlock, and to make him their heir.

11. That they hereby undertake to treat, care, and provide for said child as their own lawful child with the rights and duties thereunto appertaining as though he were their own flesh and blood.

12. That they will take all appropriate and necessary measures to secure the requisite documents for the admission of said child to the United States of America and assume full liability and responsibility therefor.

13. That the said child has been cared for by the said Johnny B. and Thelma Humberd in their home ever since the 27th day of October 1950.

14. That the attached photograph is a true and recent likeness of the affiants and of the said Hoshi Kazuo.

15. That their domicile is in Rossville, Catoosa County, Ga.; that they own their home, subject to a mortgage balance of \$1,400, consisting of four rooms and bath and a 24-square-foot garage, all situated on 1½ acres of land; that said house and lot are reasonably worth \$6,500; that their personal effects and household goods are free and clear of all liens and encumbrances and of the value of \$2,500; that the reasonable value of their motor vehicle (Dodge 1940) is \$800; that they have cash savings of \$1,000, \$500 of which is on deposit in the American Trust Bank, Chattanooga, Tenn., and \$500 in Tokyo, Japan; that Sergeant Humberd's base pay in the United States Army consists of \$269.25 per month; that he has had 5½ years of honorable service in the Army and Navy and intends to continue such service as a career.

In witness whereof, we have hereunto set our hands this 28th day of March 1951, at Yokohama, Japan.

JOHNNY B. HUMBERD,
Sergeant, United States Army, ASN RA14298029,
Husband.

THELMA HUMBERD,
Wife.

Subscribed and sworn to before me this 28th day of March 1951.

[SEAL] JAMES B. LINDSEY,
Vice Consul of the United States of America in and for Yokohama, Japan.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1920) should be enacted.

